

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP  
Michael D. Rounds, Esq. (NV Bar No. 4734)  
mrounds@bhfs.com  
Adam P. McMillen, Esq. (NV Bar No. 10678)  
amcmillen@bhfs.com  
Adam Yowell, Esq. (NV Bar No. 11748)  
ayowell@bhfs.com  
5371 Kietzke Lane, Reno, Nevada 89511  
Telephone: (775) 324-4100

BANNER & WITCOFF, LTD  
Charles W. Shifley (*pro hac vice* Admitted)  
cshifley@bannerwitcoff.com  
Binal J. Patel (*pro hac vice* Admitted)  
bpatel@bannerwitcoff.com  
Timothy J. Rechten (*pro hac vice* Admitted)  
trechten@bannerwitcoff.com  
Eric J. Hamp (*pro hac vice* Admitted)  
ehamp@bannerwitcoff.com  
Ten South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-7407  
Tel: (312) 463-5000  
Fax: (312) 463-5001

STOEL RIVES LLP  
Randolph C. Foster (*pro hac vice* Admitted)  
randy.foster@stoel.com  
900 SE Fifth Ave, Suite 2600  
Portland, OR 97204  
Telephone: (503) 224-3380

*Attorneys for Plaintiffs ESCO Corporation and  
ESCO Canada, Ltd.*

DICKINSON WRIGHT PLLC  
John L. Krieger, Esq. (Nevada Bar No. 6023)  
jkrieger@dickinsonwright.com  
8363 West Sunset Road, Suite 200  
Las Vegas, NV 89113  
Phone: (702) 382-4002  
Fax: (702) 382-1661

*Attorneys for Defendants Raptor Mining  
Products Inc. and Raptor Mining Products  
(USA) Inc.*

TOUTON LAW, LLC.  
Todd M. Touton (Nevada Bar No. 1744)  
9909 Cozy Glen  
Las Vegas, Nevada 89117  
Telephone: 702-286-8353  
toddtouton@gmail.com

and

BAKER HOSTETLER  
Gregory J. Commins, Jr.  
(admitted *pro hac vice*)  
gcommins@bakerlaw.com  
1050 Connecticut Ave., N.W.  
Suite 1100  
Washington, DC 20036  
Telephone: 202-861-1500  
Facsimile: 202-861-1783

*Attorneys for Defendants Cashman Equipment  
Company, Caterpillar Global Mining LLC, and  
Caterpillar Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ESCO CORPORATION and ESCO CANADA,  
LTD.

CASHMAN EQUIPMENT COMPANY,  
CATERPILLAR GLOBAL MINING LLC,  
CATERPILLAR INC., RAPTOR MINING  
PRODUCTS (USA) INC., and RAPTOR MINING  
PRODUCTS INC.

Lead Case No.: 2:12-cv-01545-RCJ-CWH  
Consolidated Cases: (2:12-cv-01545-RCJ-  
CWH, 2:14-cv-529-RCJ-PAL)

**JOINT STIPULATION AND ORDER  
FOR EXTENSIONS OF TIME FOR (1)  
JOINTLY PROPOSING A POST-  
CLAIM CONSTRUCTION  
SCHEDULING ORDER AND (2)  
DEFENDANTS' FILING OF ANY  
AMENDED AFFIRMATIVE  
DEFENSES AND/OR  
COUNTERCLAIMS**

**(First Request)**

1 Plaintiffs ESCO Corporation and ESCO Canada Ltd. (collectively “Plaintiffs”) and  
2 Defendants Cashman Equipment Company, Caterpillar Global Mining LLC, Caterpillar Inc.,  
3 Raptor Mining Products, (USA), Inc. and Raptor Mining Products, Inc. (collectively  
4 “Defendants”), through their undersigned counsel of record, and pursuant to L.R. 6-1 and 7-1,  
5 hereby agree and stipulate to the Court’s entry of an *Order* providing that: (1) the parties shall  
6 have until March 18, 2016, to submit a proposed Post-Claim Construction Scheduling Order, and  
7 (2) that Defendants shall have until March 31, 2016, to re-plead any of the claims or defenses  
8 that were dismissed or struck in the Court’s recent Order, but where the Court granted  
9 Defendants leave to amend. (Dkt. 200).

11 Further to the Court’s Order holding in abeyance all deadlines in this case (with the  
12 exception of the Post-Claim Construction Settlement Conference) pending the Court’s resolution  
13 of certain Motions (Dkt No. 172), and the Court’s subsequent resolution of these Motions (Dkt.  
14 No. 200), a Proposed Post-Claim Construction Scheduling Order is currently due on February 5,  
15 2016. Further, the Court’s Order (Dkt. No. 200) began the time period where Defendants must  
16 re-plead any of their dismissed claims and struck defenses. The parties have now agreed to  
17 extend both of these deadlines.

19 There is good cause for this stipulation. For example, the parties need to evaluate the scope  
20 and strength of their various claims and defenses given the Court’s recent Order, which  
21 dismissed numerous claims and declined to reconsider any of the Court’s prior patent claim  
22 constructions. Continuing these deadlines would therefore promote judicial economy by  
23 preventing the need for the parties, and the Court, to expend time and effort on issues that may  
24 later be dropped from the case. Further, the extension will allow the parties to determine an  
25 efficient timetable for resolving any remaining issues in the case, if appropriate. Moreover, this  
26

27  
28 JOINT STIPULATION AND ORDER FOR EXTENSIONS OF TIME FOR (1) JOINTLY  
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COUNTERCLAIMS

extension is not requested for any improper purpose or delay. Finally, the parties have not previously requested extensions regarding the either of these deadlines.

**RESPECTFULLY SUBMITTED** on this 4th day of February, 2016.

**ESCO CORPORATION**

/s/ Eric J. Hamp

BROWNSTEIN HYATT FARBER SCHRECK,  
LLP

Michael D. Rounds, Esq. (Nevada Bar No. 4734)  
mrounds@bhfs.com

Adam P. McMillen, Esq. (NV Bar No. 10678)  
amcmillen@bhfs.com

Adam Yowell, Esq. (Nevada Bar No. 11748)  
ayowell@bhfs.com

5371 Kietzke Lane  
Reno, Nevada 89511  
Telephone: (775) 324-4100  
Facsimile: (775) 333-8171

&

**BANNER & WITCOFF, LTD.**

Charles W. Shifley (IL. Bar No. 2587564)

(*pro hac vice* Admitted)

Binal J. Patel (IL. Bar No. 6237843)

(*pro hac vice* Admitted)

Timothy J. Rechtien (IL. Bar No. 6293623)

(*pro hac vice* Admitted)

Eric J. Hamp (*pro hac vice* Admitted)

ehamp@bannerwitcoff.com

Ten South Wacker Drive, Suite 3000

Chicago, Illinois 60606-7407

Tel: (312) 463-5000

Fax: (312) 463-5001

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Randolph C. Foster (Admitted *pro hac vice*)

randy.foster@stoel.com

900 SE Fifth Ave, Suite 2600

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Portland, OR 97204  
Telephone: (503) 224-3380

*Attorneys for ESCO Corporation*

**CASHMAN EQUIPMENT COMPANY,  
CATERPILLAR GLOBAL MINING LLC, and  
CATERPILLAR, INC.**

/s/ Shawna M. Yashar  
TOUTON LAW, LLC.  
Todd M. Touton (Nevada Bar No. 1744)  
toddtouton@gmail.com  
9909 Cozy Glen  
Las Vegas, Nevada 89117  
Telephone: 702-286-8353

&

BAKER HOSTETLER  
Robert G. Abrams (admitted *pro hac vice*)  
rabrams@bakerlaw.com  
Gregory J. Commins, Jr. (admitted *pro hac vice*)  
gcommins@bakerlaw.com  
1050 Connecticut Ave., N.W.  
Suite 1100  
Washington, DC 20036  
Telephone: 202-861-1500  
Facsimile: 202-861-1783

*Attorneys for Cashman Equipment Company,  
Caterpillar Global Mining LLC, and Caterpillar  
Inc.*

**RAPTOR MINING PRODUCTS INC. AND  
RAPTOR MINING PRODUCTS (USA) INC.**

/s/ John L. Krieger  
DICKINSON WRIGHT PLLC  
John L. Krieger, Esq. (Nevada Bar No. 6023)  
Joel Z. Schwarz (Nevada Bar No. 9181)  
jkrieger@dickinsonwright.com  
jschwarz@dickinsonwright.com  
8363 West Sunset Road, Suite 200  
Las Vegas, NV 89113

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Phone: (702) 382-4002

Fax: (702) 382-1661

*Attorneys for Raptor Mining Products Inc. and  
Raptor Mining Products (USA) Inc.*

**IT IS SO ORDERED:**

  
UNITED STATES MAGISTRATE JUDGE

DATED: February 8, 2016

JOINT STIPULATION AND ORDER FOR EXTENSIONS OF TIME FOR (1) JOINTLY  
PROPOSING A POST-CLAIM CONSTRUCTION SCHEDULING ORDER AND (2)  
DEFENDANTS' FILING OF ANY AMENDED AFFIRMATIVE DEFENSES AND/OR  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 4, 2016, a true and correct copy of the foregoing JOINT STIPULATION AND ORDER FOR EXTENSIONS OF TIME FOR (1) JOINTLY PROPOSING A POST-CLAIM CONSTRUCTION SCHEDULING ORDER AND (2) DEFENDANTS' FILING OF ANY AMENDED AFFIRMATIVE DEFENSES AND/OR COUNTERCLAIMS will be served upon all counsel of record who are registered participants via electronic mail through the United States District Court's CM/ECF system.

DATED: February 4, 2016

/s/ Eric J. Hamp

JOINT STIPULATION AND ORDER FOR EXTENSIONS OF TIME FOR (1) JOINTLY PROPOSING A POST-CLAIM CONSTRUCTION SCHEDULING ORDER AND (2) DEFENDANTS' FILING OF ANY AMENDED AFFIRMATIVE DEFENSES AND/OR COUNTERCLAIMS